TRADE UNIONS ARE BANNED IN BURMA AND ACTIVISTS FROM THE UNDERGROUND FEDERATION OF TRADE UNIONS OF BURMA (FTUB) ARE KEY TARGETS OF THE REGIME’S REPRESSIVE APPARATUS. SOME TRADE UNION LEADERS HAVE ALREADY SPENT YEARS IN JAIL, AFTER HAVING BEEN SENTENCED ON TRUMPED-UP CHARGES. IN 2003, WERE NEW ARRESTS AND NEW SENTENCES, USING MUCH OF THE SAME METHODS AS IN PREVIOUS YEARS. DAW AUNG SAN SUU KYI, THE LEADER OF THE DEMOCRATIC MOVEMENT IN BURMA AND WINNER OF THE NOBEL PEACE PRIZE, HAS AGAIN BEEN PLACED UNDER HOUSE ARREST. NONETHELESS, THE UNIONS ARE CALLING FOR THE PRESSURE ON THE BURMESE REGIME TO BE KEPT UP.

Key facts

- All the trade union organizations that existed before the present military regime seized state power from the people of Burma and crushed the peaceful democracy uprising of the people, in September 1988, have been disbanded.

- The present Federation of Trade Unions of Burma (FTUB), which was set up in 1991, has been forced underground.

- Essentially since its ratification almost 50 years ago, the ILO has invited successive Burmese governments to bring the country’s legislation into line with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, which Burma ratified in 1955.

- In 1999, 2001 and 2003 the Committee on the Application of Standards of the International Labour Conference devoted special paragraphs of its reports denouncing the continuing failure by the authorities to heed its demands.

- On August 4, 2002, U Saw Mya Than, a member of the FTUB was shot dead by soldiers of the ruling and military-controlled State Peace and Development Committee (SPDC).

- In November 2003, nine Burmese democracy activists were sentenced to death on trumped charges fabricated by the Military Intelligence. Charges were brought against three of them on the grounds of making contact with the International Labour Organization (ILO). It is most probable that their sentenced was motivated by their activities in favour of the trade union movement.

- FTUB facilities were attacked by the military junta on May Day 2002.

- Two members of the FTUB’s Central Executive Committee (CEC) have been in jail for over six years (since 1997). U Myo Aung Thant and U Kyin Kyaw were arrested in 1997 and sentenced to life imprisonment and 17 years respectively.

- Trade union leader Than Naing is still in prison after being sentenced to life imprisonment in 1989 for playing a leading role in forming strike committees during the 1988 democracy uprising, which was crushed by the military.

- The Burmese military authorities are systematically making use of forced labour on a massive scale, a practice condemned by the ILO in its other files on Burma.
Special paragraph

In its report, adopted by the International Labour Conference in 2003, the Committee on the Application of Standards devoted a special paragraph to Burma in relation with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, 1948. That paragraph reads as follows:

The Committee noted the statements by the Government representative and the discussion which followed. It recalled that the Committee had discussed this serious case on many occasions in the last ten years and that its latest conclusions had been included in a special paragraph because of the continued failure of the Government to apply the Convention. Notwithstanding, the Committee was once again obliged to note the lack of real progress towards the establishment of a legislative framework for the creation of free and independent organizations. The Committee profoundly deplored the persistence of serious discrepancies between national legislation and the provisions of the Convention which had been ratified almost 50 years ago. The Committee regretted that the information provided by the Government on the existence of workers’ associations had not solved the problems raised by the Committee of Experts towards implementing the Convention. Concerned about the total lack of progress towards implementing this Convention, the Committee strongly insisted once again that the Government urgently adopt the necessary measures and mechanisms for guaranteeing, both in law and in practice, the right of workers and employers to affiliate themselves with the organizations of their own choosing, without previous authorization, and the right for these organizations to affiliate themselves with federations, confederations and international organizations without the interference of state authorities. The Committee emphasized that respect for civil liberties was crucial for the exercise of freedom of association and therefore urged the Government to take the necessary measures so that workers and employers could exercise the rights guaranteed by the Convention in a climate of full security and in the absence of threats or fear. Furthermore, the Committee urged the Government to provide the Committee of Experts with the draft legislation and existing legislation so that it could be studied, and to provide a detailed report on the concrete measures taken to ensure improved compliance with the Convention. The Committee expressed the firm hope it would be able to note significant progress next year. The Committee decided to include its conclusions in a special paragraph in its report. It also decided to mention this case as a case of continued failure to apply the Convention.

Trade union demands

In view of the gravity of the situation in Burma, the ILO Workers’ Group is demanding:

- That the Burmese government takes urgent steps to secure the unconditional release of the nine activists unjustly sentenced to death and failing that their death sentence is lifted and that they are given the right to a fair trial.
- That the government release unjustly imprisoned trade union leaders, including the FTUB’s U Myo Aung Thant and U Kyin Kyaw, as well as Than Naing, who was arrested in 1989 for trade union activities and jailed for life.
- That the government undertakes a full and independent investigation into the murder of FTUB leader U Saw Mya Than and that those linked to this assassination be brought to court.
- That the Burmese government take immediate measures to comply with the recommendations made by the ILO’s supervisory bodies with regard to freedom of association.
- That all the ILO’s constituents exert and keep up as much pressure as possible on the military regime in Burma in an attempt to ensure the re-establishment of freedom of association.
- That the international trade union movement redouble its efforts to show solidarity with the FTUB and workers in Burma.
- That employers, including multinational companies, be seen to take part in the measures advocated by the ILO and the trade union movement to isolate the military junta in Burma.
- That governments adopt all the measures required to follow up the ILO’s recommendations and the Resolution on Burma adopted in June 2000 by the International Labour Conference.

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